

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELAGOON BUSINESS SOLUTIONS PVT
LTD., d/b/a Computer Phone Assist,

Defendant.

No. 2:19-cv-324

COMPLAINT

Plaintiff, the United States of America, by and through its undersigned attorneys, brings this complaint against Defendant ELAGOON BUSINESS SOLUTIONS PVT LTD., d/b/a Computer Phone Assist ("Elagoon") and alleges the following:

I. NATURE OF THIS ACTION

1. Starting as early as 2017 and continuing to the present, Defendant has and continues to conduct a large-scale technical-support fraud scheme based and incorporated in Kolkata, India that targets consumers throughout the United States. Defendant has furthered the scheme in a number of ways, including by maintaining websites (www.computerphoneassist.com; www.elagoonites.com; and www.elagoondigital.com), email addresses, several telephone numbers, and other infrastructure used in the scheme.

1 technicians to induce consumers to purchase phony or otherwise misrepresented technical-
2 support services, and to make further payments based on additional fraudulent
3 misrepresentations. Telemarketers contact consumers principally by placing cold calls. The
4 telemarketers often falsely claim to work for or be affiliated with large, well-known technology
5 companies.

6 9. Once a telemarketer has a consumer on the phone, the telemarketer emphasizes
7 the need for immediate action, claiming that the consumer's computer is at risk. The
8 telemarketer advises that it can assist but first needs remote access to the computer or device.
9 Once remotely connected, the telemarketer or a "supervisor" employed by Defendant purports
10 to confirm the existence of a serious computer virus or other security threat to the consumer's
11 computer or device. Sometimes telemarketers claimed that hackers had already taken over the
12 consumer's computer or email accounts and displayed a screen purporting to show, in real time,
13 that the device was undergoing a further hacking attack. Imparting a sense of urgency,
14 Defendant's representatives then claim that they will install high-quality network security
15 software or take other actions to resolve the security threat in exchange for a substantial sum of
16 money.

17 10. After purportedly installing high-quality network security software or otherwise
18 addressing the "threats" to the consumer's computer, the telemarketer instructs the consumer to
19 pay. At times, consumers have been asked to pay through credit card transactions using under
20 the merchant account name "Coders for Hire" (and likely others) or by purchasing and
21 supplying the numbers for gift cards. Consumers are routinely charged from several hundred to
22 several thousand dollars for the fraudulent services.
23

1 11. At times, consumers who have already paid Defendant once for technical-
2 support receive subsequent calls. During these call, the telemarketers concoct new phony
3 reasons the consumer must purchase additional security software or additional services to avoid
4 serious new computer viruses or other threats to their devices. In some cases, consumers have
5 been induced to make additional payments or grant access to their bank accounts in order to
6 receive refunds of prior payments—refunds that never occur.

7 12. Since 2017, consumers, including consumers in this district, have filed
8 complaints about Defendant on Consumer Sentinel, a consumer complaint database maintained
9 by the Federal Trade Commission (“FTC”). These complaints have continued into January and
10 February of 2019 and include an incident where an elderly consumer reports being induced to
11 pay \$6000 in gift cards for Defendant’s fraudulent services.

12 **B. Defendant’s Knowledge of Fraud**

13 13. Upon information and belief, the United States alleges that Defendant has
14 knowledge and is in fact a willing and active participant in the pervasive fraud perpetrated in its
15 name. Defendant hires and trains personnel to perpetuate its scheme through misrepresentations
16 contained in scripts that it has prepared for this purpose. On publicly available websites,
17 consumers specifically complain about the Defendant’s impersonation of legitimate technology
18 companies and misrepresentations made by telemarketers acting at Defendant’s direction about
19 computer threats present on consumer’s computers and the value of software purportedly
20 installed.

21 **C. Harm to Consumers**

22 14. Consumers suffer financial losses from the wire fraud scheme facilitated by the
23 Defendant. Those victimized by the scheme reside across the United States, including in this

1 judicial district. Defendant is continuing to facilitate the technical-support fraud scheme.
2 Absent injunctive relief by this Court, Defendant's conduct will continue to cause injury to
3 consumers across the United States.

4 **COUNT I**
5 **(18 U.S.C. § 1345 – Injunctive Relief)**

6 15. The United States re-alleges and incorporates by reference Paragraphs 1 through
7 14 of this Complaint as though fully set forth herein.

8 16. By reason of the conduct described herein, Defendant has violated, are violating,
9 and are about to violate 18 U.S.C. § 1343 by executing a scheme and artifice to defraud for
10 obtaining money or property by means of false or fraudulent representations with the intent to
11 defraud, and, in so doing, use interstate and foreign wire communications.

12 17. Upon a showing that Defendant is committing or about to commit wire fraud,
13 the United States is entitled, under 18 U.S.C. § 1345, to seek a preliminary injunction and a
14 permanent injunction restraining all future fraudulent conduct and any other action that this
15 Court deems just in order to prevent a continuing and substantial injury to the consumers.

16 18. As a result of the foregoing, Defendant's conduct should be enjoined pursuant to
17 18 U.S.C. § 1345.

18 **V. PRAYER FOR RELIEF**

19 19. WHEREFORE, Plaintiff, United States of America, requests of the Court the
20 following relief:

21 A. That the Court issue a preliminary injunction and permanent injunction,
22 pursuant to 18 U.S.C. § 1345, that Defendant, its agents, officers, and employees, and all other
23 persons or entities in active concert or participation with them, are restrained from:

- (1) using wire communications in interstate or foreign commerce for the purpose of executing any scheme and artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises;
- (2) conducting or purporting to conduct any consumer technical-support services; and

B. That the Court order such other and further relief as the Court shall deem just and proper.

Respectfully submitted this 5th day of March, 2019.

GUSTAV W. EYLER
Acting Director
Consumer Protection Branch

/s/ Daniel K. Crane-Hirsch
Daniel K. Crane-Hirsch
Consumer Protection Branch
United States Department of Justice
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Fax: 202-514-8742
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BRIAN T. MORAN
United States Attorney

/s/ Kayla C. Stahman
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Email: kayla.stahman@usdoj.gov

Counsel for United States of America

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Western District of Washington and is the person of such age and discretion as to be competent to serve papers;

It is further certified that the United States will be submitting said pleading to the Central Authority of India for service in accordance with the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague Service Convention") and India's declarations and reservations pursuant thereto.

The address for Defendant ELAGOON BUSINESS SOLUTIONS PVT. LTD., d/b/a Computer Phone Assist, is:

Elagoon Business Solutions Private Limited
MARTIN BURN BUSINESS PARK SUITE NO.-7B
BLOCK-BP 3
SECTOR V, SALT LAKE
700091 Kolkata
West Bengal
India

Dated this 5th day of March, 2019.

/s/ Thomas Everett
THOMAS EVERETT
Paralegal
United States Attorney's Office
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Daniel K. Crane-Hirsch
Department of Justice, Consumer Protection Branch
P.O. Box 386, Washington, DC 20044, 202-616-8242

DEFENDANTS

Elagoon Business Solutions Pvt Ltd., D/B/A Computer Phone Assist

County of Residence of First Listed Defendant West Bengal India
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. § 1345

Brief description of cause:

Anti-Fraud Injunction Statute

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

03/05/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Daniel K. Crane-Hirsch

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: